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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
TAN, ALVIN H				
ART UNIT		PAPER NUMBER		
2173				
NOTIFICATION DATE		DELIVERY MODE		
10/15/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

# Office Action Summary

## Application No.

10/619,266

## Applicant(s)

DONG ET AL.

## Examiner

ALVIN H. TAN

## Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. Claims 1-6 have been examined and rejected. This Office action is responsive to the amendment filed on 7/9/08, which has been entered in the above identified application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, and 6 have been rejected under 35 U.S.C. 102(e) as being anticipated by Mayaud (U.S. Patent No. 7,072,840 B1).

### **Claims 1-4, 6 (Graphical User Interface)**

- 3-1. Regarding claims 1, 20, and 27, Mayaud teaches the claim comprising a first graphical user interface area for containing a first list of items to be sorted, by disclosing a data management system useful in the production of product specification documents

that require detailed product and history information from multiple extensive information sources [column 1, lines 15-27]. A first list of items [column 34, lines 17-33] may correspond to a complete list of conditions used when adding new conditions to a patient's record when a problems button 50 is selected [column 19, lines 45-58] or when selecting a condition using button 86 [column 25, lines 56-59].

Mayaud teaches a second graphical user interface area for containing a second list of participants, by disclosing a patient selection screen shown in [figure 2].

Mayaud teaches a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, by disclosing a list of currently active conditions 51 [column 19, lines 45-47; figure 3] and a list of conditions 86 with prescriptions [column 20, lines 11-20; figure 3]. This list of active conditions 51 and conditions 86 are selected from a chosen first list [column 34, lines 17-33]. Once an item is added from the chosen list, it may be sorted [column 42, lines 62-64]. Further, items from a chosen list may be personalized such that selected items are removed [column 37, lines 36-39]. Mayaud teaches each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants, by disclosing that when a patient is selected, the lists of information corresponding to that patient will be

displayed [column 19, line 29 to column 20, line 58]. The lists are made by selection from a user [column 20, lines 59-63; column 26, lines 12-15]. Additionally, the lists displayed when selecting a drug for a particular condition correspond to the participant that was selected [column 34, lines 17-33].

3-2. Regarding claim 2, Mayaud teaches the claim with respect to claim 1, further comprising a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for sorting and displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area, by disclosing a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient [column 34, lines 26-33] as well as any new conditions that are selected [column 34, lines 45-51]. The Dx-Patient list may be sorted [column 21, lines 24-29].

3-3. Regarding claim 3, Mayaud teaches the claim with respect to claim 1, wherein the corresponding plurality of third lists of items are displayed in an array of graphical user interface areas within the third graphical interface area, by disclosing that the lists are made by selection from a user [column 19, lines 49-58; column 26, lines 12-15; column 34, lines 45-51]. Selections for problems and allergies are displayed in area 50 and 52 and selections for conditions and drugs are displayed in areas 86 and 88 of [figure 3]. The system supplies an array of up-to-date prescribing information and patient-related data to the point-of-care [column 33, lines 39-45].

3-4. Regarding claim 4, Mayaud teaches the claim with respect to claim 1, wherein the selected one of the plurality of participants is selected by highlighting a participant in the second list in the second graphical user interface area, by disclosing that a selected participant is highlighted from the patient selection screen [*column 17, lines 15-22; figure 2*]. When a patient is selected, lists of information corresponding to that patient will be displayed [*column 19, line 29 to column 20, line 58*].

3-5. Regarding claim 6, Mayaud teaches the claim with respect to claim 1, wherein the third graphical user interface area allows entry, display of, and direct manipulation of the items in the plurality of lists, by disclosing that the user can edit the items within the lists shown in [*figure 3; column 19, lines 49-58; column 26, lines 12-15*].

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayaud (U.S. Patent No. 7,072,840 B1) and Applicant's admission of prior art.

5-1. Regarding claim 5, Mayaud teaches the claim with respect to claim 1. Although Mayaud teaches that the graphical user interface may include scroll bars [*column 7, lines 57-65*], Mayaud does not expressly teach wherein the second list of participants comprises a scrollable list of participants in the second graphical user interface area. The statement that scroll bars are commonly used in a graphical user interface to allow the user to view information that cannot be completely displayed is taken to be admitted prior art because Applicant has failed to traverse the Examiner's assertion of official notice. See MPEP 2144.03 C. Since Mayaud teaches a list of selectable participants of which the user may add any number of participants [*column 17, lines 15-22; figure 2*], it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of scroll bars with the list of participants, since Applicant admits that scroll bars are commonly used to allow the user to view information that cannot be completely displayed.

### ***Response to Arguments***

6. The Examiner acknowledges the Applicant's amendments to claims 1, 2, and 5. Regarding independent claim 1, the Applicant alleges that Mayaud (U.S. Patent No. 7,072,840 B1), as described in the previous Office action, does not explicitly teach, "a third graphical user interface area". Contrary to Applicant's arguments, Mayaud discloses a first list of items selected from one of the lists [*column 34, lines 17-33*] that correspond to the first graphical user interface area. Items from that first list of items are selected and added to a list of currently active conditions 51 [*column 19, lines 45-47*;

*figure 3]* and a list of conditions 86 with prescriptions [*column 20, lines 11-20; figure 3*]. The list of active conditions 51 and conditions 86 represent a plurality of third lists of items in a third graphical user interface area.

Applicant alleges that Mayaud does not explicitly teach, "at least one item selected and removed from the first list of items". Contrary to Applicant's arguments, Mayaud discloses that items from a chosen list may be personalized such that selected items are removed [*column 37, lines 36-39*].

Applicant alleges that Mayaud does not explicitly teach that the items are selected by a participant in the second list of participants. Contrary to Applicant's arguments, Mayaud discloses use of the interface by physicians as well as various other users [*column 4, lines 52-55*]. There is no restriction on who may use the interface and thus, the system is fully capable of allowing a selected patient to enter information about themselves.

Applicant alleges that Mayaud does not explicitly teach, "a first sorting area for sorting the items in the first list of items". Contrary to Applicant's arguments, Mayaud discloses that once an item is added from the chosen list, it may be sorted [*column 42, lines 62-64*].

Regarding claim 2, Applicant alleges that Mayaud does not explicitly teach, "a second sorting area for sorting and displaying at least one grouping of third lists of items". Contrary to Applicant's arguments, Mayaud discloses a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient [*column 34, lines 26-33*] as well as any new conditions that are selected [*column 34, lines 45-51*]. Thus, the



Dx-Patient list would list all the conditions that are listed in the third lists of items. The Dx-Patient list may be sorted [column 21, lines 24-29].

Applicant states that dependent claims 2-6 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claim 1. However, as discussed above, Mayaud is considered to teach claim 1, and consequently, claims 2-6 are rejected.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-8595. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT  
Assistant Examiner  
Art Unit 2173

/Tadesse Hailu/  
Primary Examiner, Art Unit 2173